

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No.1651 of 1988

with

SPECIAL CIVIL APPLICATION No.1791 of 1988

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For Approval and Signature:

Hon'ble MR.JUSTICE R.A.MEHTA

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

1 to 5 : No

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SCA 1651/88

HARIVADAN BALKRISHNA VYAS

Versus

STATE OF GUJARAT

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Appearance:

SCA 1651/88

Shri H.D. Vasavda for petitioners.

Shri D.A. Bambhaniya for respondent no.1

SCA 1791.88

Party in person Shri G.A. Thakker.

Shri H.D. Vasavda for petitioners nos.2, 4 and 5

Shri J.N. Bhandari for petitioner no.3

MR DA BAMBHANIA for Respondent No. 1

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CORAM : MR.JUSTICE R.A.MEHTA

COMMON ORAL JUDGEMENT :

Both these petitions are by Gujarati Stenographers Grade II, praying that their posts should be upgraded to that of Grade I, and they be treated at par with the Gujarati and English Stenographers attached to the City Civil Court and to revise their pay scales suitably commensurate with the pay scales and service conditions of Gujarati and English Stenographers in the City Civil Court.

2. During the pendency of the petition, the Government upgraded, by its Resolution dated 28th October 1991, the posts of Gujarati Stenographer Grade II, to Grade I, and directed that appointments to those posts shall be in accordance with the recruitment rules and all those posts and the existing incumbents, who fulfil the requisite qualifications for being considered to be appointed on the upgraded posts shall be placed in that scale with effect from 1.10.1991 and those who do not fulfil such requisite qualifications will be placed in Grade II until such incumbents acquire necessary qualifications.

3. It appears that the petitioners were still dissatisfied. They made a representation, which is pending with the Government and is not yet decided.

4. Even if the petitioners had any case for retrospective effect, the same is required to be considered by the authorities and not by the Court. In the case of Union of India and another v. S.K. Sareen, (1988) 1 SCC 177, the Supreme Court held that proper relief in such a case was to direct the appropriate authority to consider.

5. In the present case, since the matter is already pending with the authority the only direction that should be issued at this stage is to expedite taking of the decision.

6. In view of the above, these petitions are disposed of by directing that the respondent authorities shall take appropriate decision in accordance with law on the representation of the petitioners pending with the Government, preferably within three months from today.

7. Both these petitions are disposed of accordingly.

Rule is discharged. No order as to costs.

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